

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNNY PLACENCIA,

Petitioner,

vs.

BEN CURRY, Warden,

Respondent.

No. C 08-00288 JF (PR)

ORDER DENYING MOTION
FOR CERTIFICATE OF
APPEALABILITY

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. The Court dismissed the petition on the merits, finding no violation of Petitioner's constitutional rights. Petitioner has filed a notice of appeal, (Docket No. 10), which the Court construes as a request for a certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997) (citing 28 U.S.C. § 2253(c)(3)).

Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the request for a certificate

1 of appealability is DENIED.

2 The Clerk shall forward this order, along with the case file, to the United States
3 Court of Appeals for the Ninth Circuit, from which Petitioner may also seek a certificate
4 of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

5 IT IS SO ORDERED.

6 DATED: 10/15/09
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10 JEREMY FOGEL
11 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY PLACENCIA,
Petitioner,

Case Number: CV08-00288 JF

CERTIFICATE OF SERVICE

v.

BEN CURRY, Warden,
Respondent.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/20/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Johnny Placencia H-70449
Correctional Training Facility
P.O. Box 689
(GW-206-Up)
Soledad, CA 93960-0689

Dated: 10/20/09

Richard W. Wieking, Clerk